

United States District Court

for the
Western District of New York

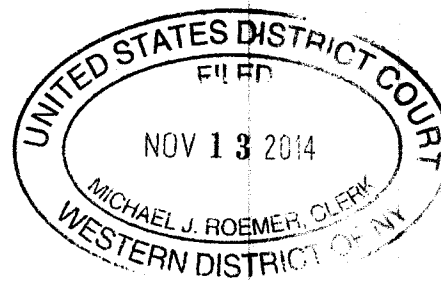
United States of America

v.

Case No. 14-M- 1104

BARDHOK TUSHA,
KLEDA TUSHA,

Defendants



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about November 12, 2014, in the Western District of New York, the defendants, BARHOK TUSHA and KLEDA TUSHA, aliens, did elude examination and inspection by immigration officers;

All in violation of Title 8, United States Code, Section 1325(a)(2).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: November 13, 2014

City and State: Buffalo, New York


Complainant's signature

Jill M. Kulczyk, Enforcement Officer, U.S. CBP
Printed name and title


Judge's signature

JEREMIAH J. MCCARTHY
United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF WARRANT AND COMPLAINT

STATE OF NEW YORK
COUNTY OF ERIE
CITY OF BUFFALO

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SS:

Jill M Kulczyk being duly sworn, deposes and states:

1. I am an Enforcement Officer with the United States Customs and Border Protection (CBP), within the Department of Homeland Security (DHS), and have been so employed for the past sixteen years. In such capacity, my duties include investigating persons who have violated Federal Immigration laws and other related Federal statutes.
2. I make this affidavit in support of a criminal complaint charging **BARDHOK TUSHA**, citizen of Albania, and **KLEDA TUSHA**, citizen of Albania, hereinafter referred to as "Defendants," with attempted illegal entry, in violation of Title 8, United States Code, Section 1325.
3. At approximately 1:15 AM, on November 12, 2014, at the Peace Bridge Port of Entry in Buffalo, NY, United States Customs and Border Protection Officer Robert Tatum was performing primary inspection duties when he encountered Tonin NDOJA. NDOJA was driving a commercial truck owned by Wolverton Transport and Logistics, bearing Canadian license plate number ON/3032PP. NDOJA presented a FAST/EXPRESS Card number 4270013734XXXX as proof of his Canadian citizenship. Officer Tatum then referred NDOJA for a secondary x-ray exam.


4. The secondary x-ray exam was conducted by Customs and Border Protection Officer Adam Nagel. During this exam, an anomaly was observed in the cab of the commercial truck. Physical examination of the anomaly resulted in the discovery of the Defendants, who were hidden beneath a blanket in the sleeper area of the cab. The Defendants were removed from the truck and escorted inside for additional secondary processing. Secondary checks and a fingerprint search failed to reveal any derogatory information or prior apprehensions. An additional search of the cab found Albanian passports BA034XXX in the identity of Kleda TUSHA and BA215XXX in the identity of Bardhok TUSHA. Both of the Albanian passports appear to be photographic matches to the Defendants. The case was referred to the Criminal Enforcement Unit for further investigation.

5. Criminal Enforcement Officer Jeffrey Aranyosi arrived at the Peace Bridge Port of Entry, Buffalo, New York at approximately 7:00 AM. Shortly thereafter, Officer Aranyosi interviewed the Defendants. The Defendant, Kleda Tusha claimed that she was traveling to Canada to perform at an Albanian Cultural concert and was unaware of any other travel arrangements. Defendant, Kleda Tusha explained that she had just arrived in Ontario, Canada from Albania. Defendant, Kleda Tusha stated that Ndoja Tonin picked up her and her husband, Defendant Bardhok Tusha, from the Toronto airport in a personal vehicle. Ndoja Tonin then took both Defendants to have something to eat and immediately after placed the Defendants in his commercial truck. Defendant, Kleda Tusha was unable to explain how she knew Ndoja Tonin or why both Defendants were hidden under blankets in the sleeper area of the cab in a commercial truck.

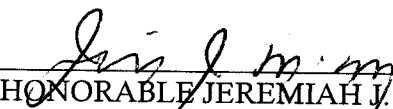
6. Soon thereafter, Officer Aranyosi interviewed the Defendant, Bardhok Tusha. During the secondary interview, the Defendant, Bardhok Tusha admitted that he and his wife,

Defendant, Kleda Tusha, were destined to Michigan to unlawfully remain in the United States in the hopes of gaining employment. The Defendant, Bardhok Tusha further explained that he and his wife had paid approximately 10,000 Euro to Ndoja Tonin's family in Albania to smuggle both Defendants into the United States.

Wherefore, I respectfully submit the foregoing facts to establish probable cause to believe that on or about November 12, 2014, **BARDHOK TUSHA** and **KLEDA KUSHA** did elude inspection or examination by a Customs and Border Protection Officer, in violation of Title 8, United States Code, Section 1325(a)(2).


Jill M. Kulczyk
Enforcement Officer, HSI/CBP

Sworn to before me this 13TH
day of November, 2014


HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge